This amendment responds to the office action mailed June 14, 2006. In the office action the Examiner:

- rejected claims 1-2, 4-8, 10, 12-15, 17-20, 22, and 24 under 35 U.S.C. § 101 as being directed to non-statutory subject matter;

- rejected claims 1-2, 4-8, 10, 12-15, 17-20, 22 and 24 as being indefinite under 35 U.S.C. § 112, second paragraph;

- rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Getchius *et al.* (US 6,643,640) in view of Rosenzweig (US 6,526,479).

Claims 1, 2, 12, and 13 have been amended to address the Examiner's rejections under 35 U.S.C. § 101 and 35 U.S.C. § 112. Claims 2, 4-6, 9-11, 13, 17-18, 21 and 23 have been amended to correct minor informalities, such as inconsistencies in antecedent basis. New claims 25-28 have been added. Support for these claims can be found, *inter alia*, in Figure 2. After entry of this amendment, the pending claims are: claims 1-28.

Independent claims 1, 2, 12 and 13 have been amended to overcome rejections under 35 § U.S.C. 101 and § 112, second paragraph

To expedite prosecution, claims 1 and 2 have been amended to recite "returning a search result corresponding to the search query." Support for this limitation can be found, *inter alia*, in Figure 2. Thus, under all conditions, the claimed methods return a search report corresponding to the claimed search query. Thus, Claims 1 and 2 and all claims dependent thereon (including claims 4-8 and 10) provide a practical result and include all essential steps required to provide this result, and therefore comply with 35 U.S.C. § 101 and § 112, paragraph two.

Similarly, claims 12 and 13 have been amended to recite "instructions for … returning a search result corresponding to the search query." Support for this limitation can be found, *inter alia*, in Figure 2. Thus, under all conditions, the claimed instructions return a search report corresponding to the claimed search query. Thus, Claims 12 and 13 and all claims dependent thereon (including claims 14-15, 17-20, 22 and 24) provide a practical result and

include all essential steps for that result, and therefore comply with 35 U.S.C. § 101 and § 112, paragraph two.

Claims 1-24 are allowable over Getchius *et al.* in view of Rosenzweig.

The Office Action rejected claims 1-24 as being unpatentable over U.S. Patent No. 6,643,640 to Getchius et al. ("Getchius") in view of U.S. Patent 6,526,479 to Rosenzweig ("Rosenzweig"). Getchius discloses a method for performing adaptive partitioning techniques in a computer system when performing data queries and uses data from a data query cache when performing the data queries. *See,* col. 1, lines 34-67. Getchius operates on "an assumption that data queries will be cached in a data query cache and subsequently reused for additional searches." Col. 23, lines 3-5. As stated in the Office Action, Getchius does not disclose a reuse count for the search query or performing any method steps based on the value of the reuse count. Instead the method of Getchius seeks to reuse the data query cache as often as possible to minimize the cost and maximize the speed of the query, making a reuse count irrelevant in determining whether or not to return data from a data query cache. *See, generally,* cols. 23-24.

Rosenzweig discloses methods of caching web resources, including caching in accordance with a number of times the web resources have been accessed. The Office Action cites column 7 of Rosenzweig as teaching a reuse count and a predetermined threshold count. The cited portion discloses a method of caching web pages which includes accessing a first web page and determining whether that page was previously accessed a predetermined number of times "step 630." Only if the page had been previously accessed a number of times is it cached. Thus Rosenzweig does not disclose "accessing a reuse count for the search query" when the query result corresponding to the search query is already stored in a cache, as claimed. Instead, Rosenzweig discloses determining the number of times an un-cached web page was previously accessed. Unlike the claimed invention, Rosenzweig counts the number of times a web page is accessed in order to determine whether or not to cache it in the first place.

    1) <u>Neither Getchius nor Rosenzweig disclose a reuse count for an already cached search result.</u>

After determining that a query result corresponding to the search query is stored in the cache, independent claims 1 and 12 recite, *inter alia*, "accessing a reuse count for the search

query; when predefined conditions are satisfied, including the reuse count being larger than a predetermined threshold count, generating an improved search result in accordance with a first set of predetermined searching criteria". Independent claims 2 and 13 also recite accessing the reuse count after determining that a query result is stored in the cache, and in addition claims 2 and 13 also recite "when the reuse count is larger than a predetermined threshold count and the quality indication meets predefined criteria, generating an improved search result in accordance with a first set of predetermined search criteria." As noted in the Office Action, Getchius does not disclose accessing a reuse count or predetermined conditions including the reuse count being larger than a predetermined threshold count. As discussed above, Rosenzwieg does not disclose the claimed limitations either.

2) Neither Getchius nor Rosenzweig discloses generating an improved search result.

In addition, it should be noted that Getchius, while cited by the Office Action for disclosing "generating an improved search result" does not disclose this limitation as claimed. The term "improved search result" in the pending claims means a search result that is improved relative the query result stored in the cache for the same query. As discussed in the specification in paragraph 12, an improved search result may be obtained by searching more databases than were used to produce the query result stored in the cache, or by search more extensively in the same databases that were used to produce the query result stored in the cache, or both.

The Office Action cites column 26 of Getchius as disclosing the step of generating an improved search result in "step 208." Step 208 is the determination of the "start data set" from the cache which is then used in performing a data query by deriving the query results from previously cached results which are a superset or subset of the requested result. Unlike the claimed invention, step 208 of Getchius is invoked only when the cache does not contain a data set corresponding to the search query. Thus the cited portion of Getchius generates the standard response to the original query (which was not previously stored in the cache) at a minimum cost and does not teaches the claimed "improved search result." *See e.g.* col. 26, lines 14-17. Applicant's review of Rosenzweig did not find any disclosure relating to generating an improved search result either.

3) No logical combination of Getchius and Rosenzweig would produce the claimed invention.

A system that combines Getchius and Rosenzweig would cache search results only after the same search was performed a threshold number of times. Furthermore, in this hypothetical system, if the search results for a current search query were not cached, but could be produced by using a combination of other cached search results or a subset of a previously cached search results, then the search results for the current search query are produced in this way without searching the underlying database at all. However, none of these features are relevant to the claimed invention, which concerns a determination of when to invest additional resources in improving an already cached search result. In the claimed invention, when a search query is popular, an improved search result is generated. There is no logical combination of teachings in Getchius and Rosenzweig that produces this result.

For at least the reasons explained above, claims 1, 2, 12, 13 and their dependent claims are patentable over the combined teachings of Getchius and Rosenzweig.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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